

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2009-105-T**

IN RE: Petition of the Office of Regulatory	)	
Staff to Revoke Certificates of	)	
Public Convenience and	)	PETITION FOR RULE TO SHOW
Necessity of Certain Motor Carriers	)	CAUSE
For Failure to Maintain and File	)	
Evidence of Insurance	)	

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina ("the Commission") is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (1976 and Supp. 2008); that the Office of Regulatory Staff ("ORS") is charged with the duty to protect the public interest pursuant to S.C. Code Ann. Section 58-4-10, et seq. as enacted by 2004 S.C. Acts 175.

2. That the companies listed in Exhibit A are currently operating as "motor vehicle carriers" as defined in S.C. Code Ann. §58-23-10(4) (Supp. 2008) in that they own, control, operate, or manage motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That the companies listed in Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-10 et seq. (1976 and Supp. 2008); further, that these companies have submitted themselves to the jurisdiction of the Commission by their holding a Certificate of

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Public Convenience and Necessity as indicated in Exhibit A. See Exhibit A, List of Companies Failing to File Required Documents.

4. That the Companies listed in Exhibit A, upon receiving their Certificates of Public Convenience and Necessity, were found to be fit, willing and able to operate as a motor carrier by the Commission; that such authority found the companies were “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina” and that they “agree to operate in compliance with these statutes and regulations” [26 S.C. Code Regs. 103-133(4)(a) (Supp. 2008)]; further, that the companies were “aware of the Commission's insurance requirements and the costs associated therewith” [26 S.C. Code Regs. 103-133(4)(b) (Supp. 2008)].

5. That the Commission requires motor carrier applicants to procure and file with the Commission proper proof of insurance and that the insurance “must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. §58-23-910 (Supp. 2008).

6. That the Companies listed in Exhibit A have failed to file proof of insurance as required by S.C. Code Ann. §58-23-910 (Supp. 2008) and 26 S.C. Code Regs. 103-171 (Supp. 2008). See Exhibit B, Affidavit of Carole Chauvin.

7. That ORS notified the companies listed in Exhibit A, through certified mail, return receipt requested, of their failure to file the required documents providing evidence of insurance; that despite this notification, the listed companies have continued to fail to comply with the requirements of providing evidence of insurance.

8. That “either a failure to file evidence of insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the Commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier.” 26 S.C. Code Regs. 103-175 (Supp. 2008); further, that the insurance

“must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. §58-23-910 (Supp. 2008).


9. That “the Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria...” 26 S.C. Code Regs. 103-240 (Supp. 2008).

10. That “the Commission may, at any time, by its order, duly entered, after a hearing had upon notice to the holder of any certificate hereunder at which such holder shall have had an opportunity to be heard and at which time it shall be proved that such holder has willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or any of the terms of his certificate or of the Commission's proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of Articles 1 to 11 of this chapter.” S.C. Code Ann. §58-23-320 (Supp. 2008).

11. That the information listed in Exhibit A is the mailing address for each carrier on file with the Commission and ORS and the information listed in Exhibit A was provided by each carrier listed in Exhibit A. See Exhibit A, List of Companies Failing to File Required Documents. See also Exhibit B, Affidavit of Carole Chauvin.

**WHEREFORE**, the ORS staff prays that the Honorable Commission:

1. Issue an order requiring the carriers listed in Exhibit A to appear before the Commission and show cause why their Certificates of Public Convenience and Necessity should not be revoked by this Commission pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2008);
2. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificates which the ORS seeks to have revoked by the Commission in this action pursuant to 26 S.C. Code Regs. 103-175 and 103-240 (Supp. 2008) and S.C. Code Ann. §58-23-320 (Supp. 2008).
3. Following the formal administrative hearing, immediately rule to revoke the Certificates of those motor carriers listed in Exhibit A in accordance with the authority provided the Commission under S.C. Code Ann. §58-23-320 and thereafter immediately enter a final Order.
4. For other appropriate action which the Commission may deem necessary.

  
\_\_\_\_\_  
Jeffrey M. Nelson, Esquire  
Shealy Boland Reibold, Esquire  
**Office of Regulatory Staff**  
1441 Main Street, Suite 300  
Columbia, South Carolina 29201

March 4, 2009  
Columbia, South Carolina

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**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**

**DOCKET NO. \_\_\_\_\_**

**March 3, 2009**

IN RE: Petition of the Office of Regulatory )  
Staff to Revoke Certificates of ) **AFFIDAVIT OF**  
Public Convenience and ) **Carole Chauvin**  
Necessity of Certain Motor Carriers )

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On March 3, 2009, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 and/or 103-174 has not been filed with ORS by the following carriers as of March 3, 2009: (See attached list)

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin  
Program Specialist, Transportation Department  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, S.C. 29201

Sworn and subscribed before me  
this 3<sup>rd</sup> day of March, 20 09

[Signature]

Notary Public for South Carolina

My Commission Expires: 5/10/2011

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**

**DOCKET NO. 2009-\_\_-T**

IN RE:	)	
Petition of the Office of Regulatory Staff for	)	<b>CERTIFICATE OF</b>
Commission to Order a Rule to Show Cause as to	)	<b>SERVICE</b>
Why the Certificates of Public Convenience and	)	
Necessity for Certain Motor Carriers Should Not	)	
Revoked for Failure Maintain and File Evidence	)	
of Insurance	)	

This is to certify that I, Chrystal L. Morgan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **PETITION OF THE OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE AS TO WHY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY SHOULD NOT BE REVOKED** in the above-referenced matter to the person(s) named on the attached service list by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown:

JONATHAN D. GRANT  
1903 BOURNE STREET  
GEORGETOWN, SC 29441

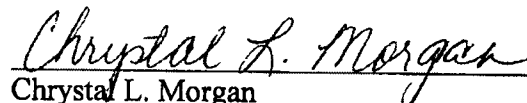
CHAMPAGNE LIMO, LLC  
104 BERKELEY SQUARE LANE PMB#45  
GOOSE CREEK, SC 29445-2958

ROGERIO HERNANDEZ  
166 MYRTLE ROAD  
SALUDA, SC 29139

HILLCREST TAXI, LLC  
1391 RIDGEWOOD DRIVE  
ORANGEBURG, SC 29115

CESAR M. ORDONES  
7393 HWY 395  
NEWBERRY, SC 29109

SOUTHSIDE EXECUTIVE LIMOUSINE  
SERVICE, LLC  
559 PINTAL DRIVE  
AIKEN, SC 29803

  
Chrystal L. Morgan

March 4, 2009  
Columbia, South Carolina